

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

CHRISTOPHER LOYD IVEY,

Plaintiff,  
vs.

Civil No. 04-4102 (RHK/SRN)

WHITYNEY M. COLYER, et al.,

Defendants.

---

**ORDER**

The above-entitled matter came before the Court on Defendant Sean M. McNichols' Motion to Vacate the Clerk's Entry of Default, entered in this matter on August 31, 2005, and to dismiss the lawsuit in its entirety. Based on the record herein,

**IT IS HEREBY ORDERED:**

1. Defendant's Motion to Vacate the Clerk's Entry of Default (Doc. No. 39) is **GRANTED**;
2. Defendant's Motion to Dismiss (Doc. No. 39) is **GRANTED**, and all claims against Defendant Sean M. McNichols are **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 6, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge